

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

CHRISTOPHER L O'REILLY and
TAMI O'REILLY
Debtors.

Chapter 13
Case No.: 07-30006
Hon. Margaret Cangilos-Ruiz

Response to Motion to Vacate Automatic Stay
Filed By Wells Fargo Bank NA

The Debtors, through their counsel, hereby respond and oppose the Motion as follows:

1. Debtors are in the process of obtaining copies of cancelled checks and other documentation concerning post-petition mortgage payments to counteract the allegations that Creditor-Wells Fargo Bank NA has made concerning non-payment.

2. As we are in the process of collecting this documentation, an adjournment is respectfully being requested so that we may provide the documentation to the Court in a supplemental response.

3. Debtors have advised me that they have been faithfully making their post-petition payments to the mortgage lender, despite unexpected financial difficulties.

4. The debt in question is the Debtors' home and it is necessary to their Chapter 13 reorganization.

Additionally, the Debtor does oppose the requested Creditor fee and costs request.

WHEREFORE, Debtor respectfully requests that the motion to vacate the automatic stay filed by creditor Wells Fargo Bank NA be denied or, in the alternative, an adjournment of the motion be granted for the Debtors to file a supplemental response with documentation, and for such other and further relief as deem just.

Dated: 4/30/2009.

/s/KM Sunser-King

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